



UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: Ian David Kaehne

SERIAL NO. 10/509,803

GROUP: 1761

FILED: March 30, 2004

EXAMINER: Helen F Pratt

DECLARATION SUBMITTED UNDER 37 C.F.R. § 1.132

Honorable Commissioner  
of Patents and Trademarks  
Washington, D.C. 20231

Sir:

I, Neil Thomas Paulett, do hereby declare the following:

12. I am the same Neil Thomas Paulett whose declaration was made for this application on December 8th, 2008.
13. I understand a further Office Action issued in relation to the above Patent Application with criticism that my earlier declaration was deficient in not having tested the cited art. I have again been approached by Dr Kaehne to blind test a number of manufactured mineral waters manufactured in accordance with the invention of the present application and one outside.
14. Dr Kaehne prepared five samples for testing, with composition that I am informed are as set out in the Table below.

Group		#1	#2	#3	#4	#5
A (mg/L)	Ca	59	45	59	45	59
	Mg	13	10.4	13	10.4	13
B (mg/L)	P	30	21.6	30	21.6	138
	K	120	108.8	120	108.8	120
	Si	0.75	0.56	0.75	0.56	0.75
	Na	8	6.08	8	6.08	8
	Cl	9	7.04	9	7.04	9
C (µg/L)	B			19	19	19
	Cr			0.1	0.1	0.1
	Co			0.1	0.1	0.1
	Cu			4.3	4.3	4.3
	I			1.3	1.3	1.3
	Li			0.4	0.4	0.4
	Mn			0.4	0.4	0.4
	Mo			0.5	0.5	0.5
	Ni			0.1	0.1	0.1
	Se			34	34	34
	Sn			0.4	0.4	0.4
	V			0.03	0.03	0.03
	Zn			26	26	26
D (µg/L)	Fe			5	5	5

15. I conducted the tastings on Monday, June 29th 2009. I commenced by rinsing my mouth with pure water, and tasting the first sample. Rinsing my mouth again, and allowing a few minutes before tasting the second. Sample #5 had a very strong flavour and I ended up tasting this one separately. Only after the tastings did Dr Kaehne reveal to me the composition of the mineral waters.

16. I recorded the results of the assessment of my tasting on photocopies of Table 1 of the present application. Exhibited hereto as Exhibit NTP-3 as a bundle are true copies of the results recorded.

I have taken each of the scores as a continuum, as set out in my earlier declaration and as then the results scored are to a degree graphic.

17. All of samples #1, #2, #3 and #4 are acceptable for all taste components tested, and represent very good tasting mineral waters. Sample # 3 is clearly superior and overall is the best tasting mineral water of the 4.

18. Sample # 5 has phosphorous added in amounts disclosed in the Someya reference. Elevating the amounts of phosphorous to this extent destroys the taste, making sample #5 a dreadful tasting mineral water, the metallic flavour notably is particularly strong.

The undersigned declares that all statements made herein based upon knowledge are true, and that all statements made used upon information and beliefs that are believed to be true, and further, that these statements are made with the knowledge that wilful false statements and the like so made are punishable by fine or imprisonment, or both under section 1001 of Title 18 of the United States Code, and that such wilful false statement may jeopardise the validity of the application or any patent issued therein.

Dated: 1<sup>st</sup> July 2009

Neil Thomas Paulett  
Neil Thomas Paulett

## **Exhibit NTP-3**

#1

Table 1 Taste components for testing formulations of mineral water.

Rating of Taste Components					
Taste Components					
Qualitative Rating Description					
1.	<i>Initial sensation upon intake (0 – 2 seconds)</i>				
	none	weak	acceptable	too strong	repulsive
2.	<i>Mouthfeel sensation ( 2 – 15 Seconds)</i>				
	none	weak	acceptable	too strong	repulsive
3.	<i>Palate balance characteristics (while tasting)</i>				
	back only	predominantly back	balanced	predominantly front	front only
4.	<i>Palate persistence characteristics (after swallowing)</i>				
	no persistence	dissipates quickly	acceptable	too extended	persistent
5.	<i>Acidity/Alkalinity</i>				
	very acid/sour	acid	acceptable	too alkaline	soapy
6.	<i>"Earthy" (lime, calcic, magnesian) characteristics</i>				
	absent	too weak	acceptable	too strong	excessive
7.	<i>'Saltiness' sensation characteristics</i>				
	absent	too weak	acceptable	too strong	very saline
8.	<i>'Mineral' sensation characteristics</i>				
	absent	too weak	acceptable	too strong	metallic

*Not Puleta*  
29/6/09

#2

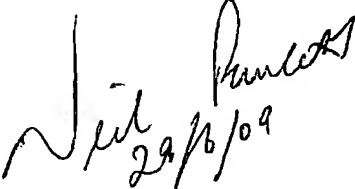
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Neil Poulos  
29/6/09

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#4

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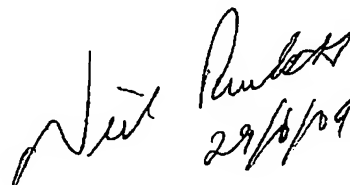
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Neil Purohit  
29/6/24

#5

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